

Appl. No. 10/517,109
Amendment and/or Response
Reply to Office action of 3 October 2006

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REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicants amend claims 1-10, and add new claims 11-15.

Accordingly, claims 1-15 are pending in the application.

Applicants thank the Examiner for acknowledging that the drawings are acceptable.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

DECLARATION

A new Declaration is being filed herewith which correctly identifies the priority date of the German patent application as 10 June 2003.

OBJECTION TO SPECIFICATION

Applicants thank the Examiner for providing information about recommended section headings. However, Applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 CFR § 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").)

CLAIM OBJECTIONS

The Office Action objects to claims 4, 9 and 10.

Applicants hereby amend claims 4, 9 and 10 to address the objections to the claims.

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Accordingly, Applicants respectfully request that the objections to the claims be withdrawn.

35 U.S.C. § 112

The Office Action rejects claims 1, 4, 8 and 10 under 35 U.S.C. § 112, second paragraph on various grounds.

Applicants hereby amend claims 1, 4, 8 and 10 to address the issues raised in the 35 U.S.C. § 112 rejections.

Accordingly, Applicants respectfully request that the 35 U.S.C. § 112 rejections of claims 1, 4, 8 and 10 be withdrawn.

35 U.S.C. § 102 & 103

The Office Action rejects claims 1, 2, 5, 9/5 and 10/5 under 35 U.S.C. § 102 over Coverdill U.S. Patent 5,802,545 ("Coverdill"); and claims 3, 4, 6, 7, 8, 9/6, 9/7, 10/6 and 10/7 over Coverdill in view of Jablon U.S. patent 5,421,006 ("Jablon").

Applicants respectfully traverse these rejections, and further respectfully submit that all of the claims 1-11 are patentable over the prior art for at least the following reasons.

Claim 1

Among other things, in the method of claim 1 at least one set of statistics, and in particular a set of fault statistics relating to the operation of the microcontroller unit can be kept by means of the memory area.

The Office Action cites col. 2, lines 64-66 of Coverdill as supposedly disclosing such a feature.

Applicants respectfully disagree. The cited text specifically mentions **ONLY** vehicle performance data such as oil pressure, coolant temperature, etc. It goes without saying that such data does not include fault statistics relating to the operation of the microcontroller unit itself. Indeed, Applicants see no disclosure or suggestion anywhere in Coverdill of a memory that stores fault statistics relating to the operation of the microcontroller unit.

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Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over the prior art.

Claim 2

Claim 2 depends from claim 1 and is deemed patentable over the prior art for at least the reasons set forth above with respect to claim 1

Claim 5

Among other things, the base chip of claim 5 includes at least one non-volatile memory area that can be read from and written to by the microcontroller unit and by means of which at least one set of fault statistics relating to operation of the microcontroller unit can be produced.

The Office Action cites col. 2, lines 64-66 of Coverdill as supposedly disclosing such a feature.

Applicants respectfully disagree. The cited text specifically mentions ONLY vehicle performance data such as oil pressure, coolant temperature, etc. It goes without saying that such data does not include fault statistics relating to the operation of the microcontroller unit itself. Indeed, Applicants see no disclosure or suggestion anywhere in Coverdill of a non-volatile memory area that stores fault statistics relating to the operation of the microcontroller unit.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 5 is patentable over the prior art.

Claims 9/5 and 10/5

Claims 9/5 and 10/5 depend from claim 5 and are deemed patentable for at least the reasons set forth above with respect to claim 5.

Claims 3 and 4

Claims 3 and 4 depend from claim 1. Applicants respectfully submit that Jablon does not remedy the shortcomings of Coverdill as set forth above with respect to claim 1. Accordingly, claims 3 and 4 are deemed patentable for at least the reasons set forth above with respect to claim 1, and for the following additional reasons.

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Among other things, in the method of claim 3, in relation to the operation of the microcontroller unit a distinction can be made between different reset events, and these different reset events can be made accessible to the microcontroller unit.

The Office Action cites absolutely no motivation whatsoever for modifying Coverdill to include such features. The motivation provided in the Office Action – at best – only applies to modifying Coverdill's logging system to use memory with write protection.

It is well-established that any proposed combination of references must be supported by a teaching or knowledge in the prior art that would have motivated one of skill in the art at the time the invention was made, to have made the proposed combination (see M.P.E.P. § 2143 & 2143.01).

Accordingly, the proposed combination of Coverdill and Jablon is specifically traversed with respect to claim 3.

Claims 6, 7, 8, 9/6, 9/7, 10/6 and 10/7

Claims 6, 7, 8, 9/6, 9/7, 10/6 and 10/7 all depend from claim 5. Applicants respectfully submit that Jablon does not remedy the shortcomings of Coverdill as set forth above with respect to claim 5. Accordingly, claims 6, 7, 8, 9/6, 9/7, 10/6 and 10/7 are deemed patentable for at least the reasons set forth above with respect to claim 5 and for the following additional reasons.

Claim 6

Among other things the base chip of claim 6 includes at least one information unit that is provided to allow for different reset events.

Applicants respectfully submit that no combination of Coverdill and Jablon would produce a base chip including at least one information unit that is provided to allow for different reset events. Applicants further respectfully traverse the proposed combination of Coverdill and Jablon as lacking any motivation in the prior art.

Again, as with claim 3 above, the motivation provided in the Office Action – at best – only applies to modifying Coverdill's logging system to use memory with write protection.

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It is well-established that any proposed combination of references must be supported by a teaching or knowledge in the prior art that would have motivated one of skill in the art at the time the invention was made, to have made the proposed combination (see M.P.E.P. § 2143 & 2143.01).

Accordingly, the proposed combination of Coverdill and Jablon is specifically traversed with respect to claim 6.

Claim 8

Among other things in the base chip of claim 8 the memory area and the information unit have inserted in front of them at least one interface unit for the exchange of data with the microcontroller unit.

Applicants respectfully submit that no combination of Coverdill and Jablon would produce a base chip including at least one interface unit inserted in front of the memory area and the information unit for the exchange of data with the microcontroller unit.

In particular, the Office Action cites an undisclosed interface for externally programming EEPROM unit 86. However, any such interface is clearly not "*for the exchange of data with the microcontroller unit*" as recited in claim 8.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claim 8 is patentable over the cited prior art.

NEW CLAIMS 11-15

New claims 11-12 depend from claim 1, and new claims 13-15 depend from claim 5, and are therefore deemed patentable for at least the reasons set forth with respect to claims 1 and 5 as set forth above, and for the following additional reasons.

In claims 11 and 14, the fault statistics include statistics on a plurality of different types of reset events. In claims 12 and 15, a number of at least one type of reset event is compared to a threshold, and when the number of the at least one type of reset event is greater than the threshold, the microcontroller unit is operated in a low-energy mode.

No combination of the cited references discloses or suggest such features.

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CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-15 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

Date: 28 February 2007

By:


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